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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 23 February 2007 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to transmit Switzerland's report on the implementation of the aforementioned resolution (see annex).

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Annex to the note verbale dated 23 February 2007 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report submitted by Switzerland pursuant to Security Council resolution 1737 (2006)

In accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, Switzerland recognizes the right of each State to the peaceful use of nuclear energy and rejects the proliferation of all forms of nuclear weapons. It is firmly in favour of a diplomatic solution to the dispute surrounding the nuclear programme of the Islamic Republic of Iran, while hoping that the measures adopted by the Security Council in resolution 1737 (2006) (hereinafter referred to as "the resolution") may help to persuade the Iranian Government to comply with resolutions 1696 (2006) and 1737 (2006) and with the steps required by the International Atomic Energy Agency (IAEA).

With a view to implementing the provisions of the resolution, the Federal Council (the Swiss Government) adopted an ordinance instituting measures against the Islamic Republic of Iran (hereinafter referred to as "the ordinance") on 14 February 2007.* The legal basis for the ordinance, which entered into force on 15 February 2007, is the Federal Act of 22 March 2002 on the Implementation of International Sanctions.

In paragraph 19 of the resolution, the Security Council requests all Member States to report on steps taken with a view to implementing paragraphs 3, 4, 5, 6, 7, 8, 10, 12 and 17. In detail, Switzerland has taken the steps set out below.

Paragraph 3

Pursuant to article 1, paragraph 1, of the ordinance, "the supply, sale and transfer to the Islamic Republic of Iran of the goods, including technology and software, listed in annex 1 are prohibited". Annex 1 contains references to other legislative instruments, namely the ordinance of 25 June 1997 on the control of goods, the ordinance of 10 December 2004 on nuclear energy and the ordinance of 25 February 1998 on war materiel. Taken together, these ordinances cover all the goods included in the list of nuclear goods of the Nuclear Suppliers Group (NSG) and those governed by the Missile Technology Control Regime (MTCR), set out in documents S/2006/814 and S/2006/815. The supply, sale and transfer of the goods exempted under paragraphs 3 (b) (i) and (ii) and 3 (c) of the resolution are excluded from the prohibition set out in article 1, paragraph 1, of the ordinance.

Paragraph 4

As a participating State of NSG, Switzerland has legislation enabling effective control of dual-use goods within the scope of NSG. The provisions of the Control of Goods Act of 13 December 1996 and of the ordinance on the control of goods are fully applicable to the goods listed in the IAEA circular INFCIRC/254/Rev.7/Part 2,

* The statutory instruments referred to in the communication are on file with the Secretariat and are available for consultation.

which is contained in document S/2006/814. In addition, the ordinance on the control of goods allows for the prohibition of the export of goods not included in the control lists ("catch-all" clause). Pursuant to article 4 of the ordinance on the control of goods, in conjunction with article 7 of the Federal Act on War Materiel, the export of all goods is prohibited where the exporter knows that the goods are or may be intended for the development, production or use of weapons of mass destruction or their delivery systems.

Paragraph 5

As a participating State of NSG and MTCR, Switzerland is fully implementing the guidelines of both entities. For goods which are governed by the ordinance on the control of goods but of which the export to the Islamic Republic of Iran is not prohibited by the ordinance instituting measures against the Islamic Republic of Iran, the Iranian end-user must submit a written undertaking to the competent Swiss authorities that the latter have the right to verify the end-use and end-use location of the goods supplied. Moreover, article 4, paragraph 1, of the ordinance provides that Switzerland shall notify the relevant Security Council committee and IAEA of the supply of the goods, in accordance with paragraph 5 (c) of the resolution.

Paragraph 6

Paragraphs 3 and 4 of article 1 of the ordinance prohibit the provision of all types of services, including financial services, brokering services and technical training, and of financial resources or investments related to the supply, sale, transfer, manufacture or use of goods of which the export to the Islamic Republic of Iran is prohibited.

Paragraph 7

Pursuant to article 1, paragraph 2, of the ordinance, the procurement from the Islamic Republic of Iran of goods controlled by NSG or MTCR is prohibited. The goods in question are listed in annex 2 to the ordinance, which contains the necessary references to the ordinance on the control of goods, the ordinance on nuclear energy and the ordinance on war materiel.

Paragraph 8

This paragraph is directed at the Islamic Republic of Iran and is not applicable to Switzerland.

Paragraph 10

Annex 3 to the ordinance lists the 12 Iranian natural persons and 10 Iranian entities designated by the Security Council in the annex to the resolution. Pursuant to article 4, paragraph 2, of the ordinance, Switzerland shall notify the relevant Security Council committee of any entry into or transit through Switzerland of the natural persons listed in annex 3.

Paragraph 12

Article 2 of the ordinance provides for the freezing of assets and economic resources owned or controlled by the persons, enterprises and entities listed in annex 3. Making assets or economic resources available is also prohibited.

Paragraph 17

Since 2004, Switzerland has been implementing a preventive programme known as "Prophylax", the aim of which is to raise awareness among enterprises, research institutions, universities and polytechnic colleges in Switzerland of the associated problems of proliferation and economic espionage. Under the programme, the entities mentioned above are being made aware that the teaching or training of nationals of certain countries in sensitive disciplines may contribute to the proliferation of weapons of mass destruction and their delivery systems.